

“much higher availability router...wherein software may be upgraded in the network router path without disrupting or interrupting traffic service therein, and without interruption even if no alternative router paths are available in the network”. (top of page 2 of applicants’ specification).

Applicants accomplish this result not only “without suffering the ...prior art traffic interruption and resulting delays” in multiple router systems, but in a manner “imperceptible to all the other router nodes in the router system” (page 3, etc.)

Applicants, moreover, can find no such result attained or even suggested by any of the general BGP router rules, information exchange or multiple routers actually taught in the RFC 1269, which, in fact, does not even deal with a Holte-Rost type system. Any proposed incorporation of the actual teachings of RFC 1269 into the admitted void in the patent to Holte-Rost thus simply does not reach applicants’ invention, and certainly is not anticipatory of the specific “hot-swap” architecture for multiple routers of the invention detailed starting with the bottom of page 6 of applicants’ specification and that enables their highly novel results.

The only connection between the patent reference and the RFC publication, indeed requires the “hindsight” of applicants’ disclosure--an improper route to “obviousness” under the law.

The claims, such as claim 1, for example, describe this vitally different inventive concept involved in “a plurality of inter-connectable router nodes, each controlled by software processing and management information for enabling data routing along a predetermined path of router nodes”.

Not only does the reference patent not deal with any such “updating in multiple routers” as conceded by the Office, but claim 1 continues with a specific architecture of multiple router updating not even suggested, let alone mentioned in the RFC 1269-BGP router policy rules; namely, in such a “plurality of inter-connectable router nodes”,

“continuing the data routing along said path with original software information controlling said one router node; during such continued routing preparing new software information at said one node from said original software information and including revisions and upgrades; and, after such preparing of the new software information, swapping the same for the original software information in said one node during the continuing of the data routing along said path without interruption”.

This, moreover, as claim 1 continues, is done “imperceptibly to all the other router nodes” in the multiple router system.

It is respectfully submitted that the non-multiple router system of the Holte-Rost

patent actually requires no multiple router whatsoever, and teaches none; and certainly the generalized concepts of RFC 1269 do not even teach applicability of such concepts in systems of the Holte-Rost type, let alone the specific architecture required by applicants' claims and totally lacking in the RFC 1269 publication.

The further comments of the Office in connection with claims 2, 7, 12-16, again for a modification of Holte-Rost "using a BGP", which the Office concedes Holte-Rost does not teach, require, or even suggest, and just on the basis of some general suggestion of the RFC 1269 publication, still does not anticipate applicants' specific claimed multiple router method. Similar comments apply to the added limitations in dependent claims 1, 8 and 10 (revisions and upgrades), claims 4 and 9 (new software install notification), claims 11, 17 and 20 (messaging-linking), and claims 18, 19, 21 and 22 (task state-interface) which, of themselves, the Office finds in the Holte-Rost patent. Applicants do not claim novelty in these added limitations per se, but only in connection with and in combination with the total method or apparatus of the respective parent claims which, as above shown, are not at all anticipated by the cited art or any proper combination thereof.

Reconsideration and allowance are thus respectfully requested of claims 1-22.

After reviewing the other cited patents and publications, including U.S. Patents 5,339,450; 5,555,418; 6,009,524; and the specific limitations of the claims of 6,397,385, applicants concur with the Office that applicants' broad invention is not therein anticipated, either.

Any cost required by this filing, including for any required time extensions, petition for which is hereby made, may be charged to the account of the undersigned attorneys.

Very respectfully,

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